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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,867	02/14/2002	Hiroaki Shibasaki	041465-5139	6343

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EXAMINER

KLIMACH, PAULA W

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/073,867

Applicant(s)

SHIBASAKI, HIROAKI

Examiner

Paula W. Klimach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 11/07/06. The amendment filed on 11/07/06 have been entered and made of record. Therefore, presently pending claims are 11-15.

Response to Arguments

Applicant's arguments filed 11/07/06 have been fully considered but they are not persuasive because of following reasons.

Applicant argued that the "Publisher," disclosed by Kaplan, does not correspond to "a communication unit for transmitting an order to the information distribution server and an input/output request to the storage server through the network". This is not found persuasive. The Publisher performs the function of a communication unit for transmitting an order to the information distribution server. The Publisher communicates inherently because it is on a network and therefore sends communications using input and output. The Publisher makes an order to the information distribution server when the publisher contracts with and exchanges public keys with one or more royalty clearing centers (IBM Cryptolopes {TM} and SuperDistribution page 6).

The applicant argued further that the Royalty Clearing Center does not correspond to the information distribution server for distributing the digital information in the database. The publisher leaves the work of distributing its content and collecting usage or licensing fees to others such as the Royalty Clearing Center (IBM Cryptolopes {TM} and SuperDistribution Page

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7). Therefore the Royalty Clearing Center is used for distributing the digital information in the database and therefore corresponds to information distribution server.

Therefore the combination of Stefik and Kaplan do disclose the attachment and sending features as in accordance with an order in the manner specifically described in independent claim 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik (6,865,551 B1) in view of the article by Kaplan ("IBM Cryptolopes, Superdistribution and Digital Rights Management").

In reference to claim 11 Stefik discloses a repository for storing digital works and controlling the use of digital works in accordance with usage rights associated with the digital works and including a manner of use for the digital work and including a manner of use for the digital work (abstract).

The system of Stefik discloses further the information distribution server (creator) attach duplicate-time limit information to the digital information (column 6 lines 13-23). The creator attaches usage rights to the digital work (column 6 lines 35-45) and then stores them into the repository and thus, sends the digital information with the duplicate-time limit information to a

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storage provided in the storage server and allocated exclusively for a user of the user device in accordance with the order (column 6 lines 38-60 in combination with column 7 lines 20-28). Further the storage server holds the digital information with the duplicate-time limit information and input and output the digital information in accordance with the duplicate-time limit information on the basis of the input/output request (column 7 lines 1-20).

Although the system of Stefik teaches an input output request to the storage server, in the form of the repository, the system does not disclose transmitting an order to the information distribution sever and an input/output request to the storage server through the network.

Kaplan discloses a communication unit (Publisher) for transmitting an order to the information distribution server (Royalty clearing center) and an input/output request to the storage server through the network (Figure on page 6).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the network topography of Kaplan to distribute the digital works of Stefik. One of ordinary skill in the art would have been motivated to do this because the topography would allow the publisher/creator to leave the work of distributing its content and collecting usage or licensing fees to others.

In reference to claim 12, wherein when the user terminal transmits an output request included in the input/output request to the storage server (column 7 lines 1-20), the user terminal makes the storage server send the digital information only when the duplicate-time limit information indicates allowance of a copy to the user terminal (column 6 lines 49-67).

In reference to claim 13, wherein the duplicate-time limit information is provided for limiting number of copies to the user terminal (column 20 lines 1-24).

In reference to claim 14 wherein the number of copies in the duplicate-time limit information decreases along with each output of the digital information to the user device (column 20 lines 18-24).

In reference to claim 15 wherein when the user terminal transmits an input request included in the input/output request and the digital information to the storage sever, the user terminal makes the number of copies in the duplicate-time limit information increase (column 10 lines 5-12).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

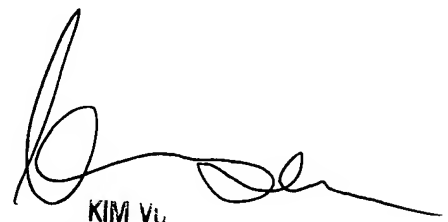
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PWK
Friday, January 26, 2007



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